

House Study Bill 509 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON CARLSON)

A BILL FOR

1 An Act relating to motor vehicles approaching stationary
2 construction vehicles, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.323A, subsection 2, unnumbered
2 paragraph 1, Code 2018, is amended to read as follows:

3 The operator of a motor vehicle approaching a stationary
4 towing or recovery vehicle, a stationary utility maintenance
5 vehicle, a stationary municipal maintenance vehicle, a
6 stationary highway maintenance vehicle, a stationary
7 construction vehicle, or a stationary solid waste or recycling
8 collection service vehicle, that is displaying flashing yellow,
9 amber, blue, white, or red lights, shall approach the vehicle
10 with due caution and shall proceed in one of the following
11 manners, absent any other direction by a peace officer:

12 Sec. 2. Section 321.423, subsection 2, paragraph h, Code
13 2018, is amended to read as follows:

14 *h.* A flashing amber light is permitted on a towing or
15 recovery vehicle, a utility maintenance vehicle, a municipal
16 maintenance vehicle, a highway maintenance vehicle, a
17 construction vehicle, a solid waste or recycling collection
18 service vehicle, or a vehicle operated in accordance with
19 subsection 6 or [section 321.398](#) or [321.453](#).

20 Sec. 3. Section 805.8A, subsection 11, Code 2018, is amended
21 to read as follows:

22 11. *a. Emergency vehicle and equipment-related*
23 *violations.* ~~For emergency vehicle violations relating to~~
24 authorized emergency vehicles, fire apparatus and equipment,
25 and police bicycles under the following sections, the scheduled
26 fine is as follows:

- 27 ~~a.~~ (1) Section [321.231](#).....\$100.
28 ~~b.~~ (2) Section [321.323A, subsection 1](#).\$100.
29 ~~c.~~ (3) Section [321.324](#).....\$100.
30 ~~d.~~ (4) Section [321.367](#).....\$100.
31 ~~e.~~ (5) Section [321.368](#).....\$100.

32 *b. Violations relating to stationary nonemergency vehicles.*
33 For violations relating to the approach of certain stationary
34 nonemergency vehicles under section 321.323A, subsection 2, the
35 scheduled fine is one hundred dollars.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

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Under current law, the operator of a motor vehicle who
5 encounters a stationary vehicle which is of a certain type and
6 which is displaying certain flashing lights must approach the
7 stationary vehicle with due caution and make a lane change if
8 possible under the existing safety and traffic conditions.
9 If a lane change would be impossible, prohibited by law, or
10 unsafe, the operator must reduce the speed of the vehicle to a
11 reasonable and proper speed for the existing road and traffic
12 conditions and be prepared to stop. This bill expands the
13 list of protected stationary vehicles to include stationary
14 construction vehicles, and permits construction vehicles to
15 display amber flashing lights.

16 A violation of the requirements relating to approaching
17 stationary vehicles is a simple misdemeanor punishable by a
18 scheduled fine of \$100. If the violation causes property
19 damage, the violation is punishable by suspension of the
20 violator's driver's license for 90 days in addition to the
21 scheduled fine. If the violation causes bodily injury, the
22 violation is punishable by an additional fine of \$500 and
23 suspension of the violator's driver's license for 180 days.
24 If the violation causes death, the violation is punishable by
25 an additional fine of \$1,000 and suspension of the violator's
26 driver's license for one year.

27 The bill amends the scheduled fine provision to separate
28 violations relating to stationary authorized emergency vehicles
29 from violations relating to stationary nonemergency vehicles.